

REMARKS

Claims 1-13 were originally in the application. Claims 3, 5-10, and 13 were withdrawn from consideration in a previous amendment. Claim 14 was added in a previous amendment. Claims 1, 2, 4, 11, 12, and 14 are rejected in the Office Action. Claim 1, 2, 4, 11, 12, and 14 are pending.

In the Office Action, claim 2 is objected to because the claim indicator is incorrect. In a previous amendment, the claim was designated as "Original" when it was currently amended. In the present amendment, claim 2 is designated as "Previously Amended" to indicate its status at this time.

Claim 1, 2, and 4 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 1 was erroneously amended such that the vertical peripheral wall portion was formed by the steel rule. Claim 1 has been corrected in this amendment to require that the outer edge of the article is defined by the ridge formed over the steel rule.

Claims 1, 2, 4, and 14 are also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to require a first surface for forming the substantially vertical peripheral wall portion, as originally filed. Claim 14 has been amended to remove the extra "sheet of" in line 21.

In the Office Action claims 1, 2, 4, 11, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,314,324, issued to Wendt. Wendt discloses an apparatus for thermoforming a lid for a drinking cup. Each lid includes a partible port which parts under mechanical pressure to allow the passage of fluids. The Office Action equates rib 158 to a steel rule.

For purposes of the present application, the term “steel rule” is used to describe a thin, bendable band of steel which is traditionally embedded edgewise into a die for cutting or stamping. Figure 5 of the application shows a beveled steel rule (12) used to form a ridge (30) about the periphery of a molded article. With regard to the present invention, the steel rule is used to form a ridge, during the thermoforming process, at the periphery of a molded article. The ridge facilitates trimming and provides a lip to impart a finished look to the trimmed article. While “steel rule” may have other definitions, e.g. a graduated metal ruler, and may be used in some instances to describe a device with a knife-like edge, but not formed from a thin band of steel, such uses of the term are inconsistent with Applicant’s definition and with the specification of the present application.

In contrast, Wendt shows rib 158 as part of mold element 155 (FIG. 8) which is an unitary structure. As such it is not a steel rule and is not bendable, it is simply a detail machined into the mold 155. Further, the detail which is formed by rib 158 in the finished article is lip 114 which secures the lid to a container (Col. 10, lines 21-24). Wendt’s lid is not trimmed along the ridge of lip 114, as required by Applicant’s claims. In fact, at Col. 8, lines 20-22, Wendt points out that his blades which separate the part from the sheet have a profile that matches each lip 114 “to avoid destroying the integrity thereof.” Wendt protects the entire lip during trimming while the present method splits the lip along the top of the ridge. Wendt’s lip does not facilitate the trimming operation and, in fact, Wendt actually teaches away from the present method. For at least these reasons, claims 1, 2, 4, 11, and 12 are not anticipated by Wendt.

Applicant submits claims 1, 2, 4, 11, and 12 are thus in condition for allowance. Reconsideration and allowance of claims 1, 2, 4, 11 and 12 are respectfully requested.

In the Office Action, claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Wendt in view of U.S. Patent No. 6,010,062, issued to Shimono. Shimono discloses an insulated container for hot foods which is formed from a sheet of foamed synthetic resin. During the forming process, the material is thinned along a circumferential lip to facilitate additional forming of the lip in a secondary operation.

As discussed above, Wendt does not disclose trimming the molded article along a ridge formed over a steel rule. In fact, Wendt teaches that both sides of the lip must remain intact during the trimming operation, which teaches away from the present method. Nor does Shimono teach, in a secondary operation, separating the article from the sheet of material along a ridge formed during the molding step. The inventive method is simply not disclosed by any combination of these two references. The use of a steel rule in thermoforming to create a ridge to facilitate a secondary trimming operation is not known.

Application No. 09/595,769
Amendment Dated 1/15/04
Reply to Office Action of 9/16/03
Page 10 of 10

Applicant submits that claim 14 is now in condition for allowance. Reexamination and allowance of claim 14 are respectfully requested.

Respectfully submitted,

Date: 1/16/2004

Reg. No.: 43,677
Tel. No.: (918) 599-0621
Customer No.: 22206

239100.1

Fred H. Holmes
Fred H. Holmes
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318